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Total Number of Pages in This Submission

3

Application Number	10/070,349
Filing Date	August 16, 2002
First Named Inventor	Christopher John Farrell
Art Unit	3732
Examiner Name	John J. Wilson
Attorney Docket Number	P1096/20003

ENCLOSURES (Check all that apply)

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Please charge Attorney Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd., Customer No. 03000		
Signature			
Printed name	Martin L. Faigus		
Date	10/29/2004	Reg. No.	24,364

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PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

Applicant(s): Christopher John Farrell

Serial No: 10/070,349

Group Art Unit: 3732

Filed: August 16, 2002

Examiner: John J. Wilson

Att. Docket No.: P1096/20003

Confirmation No.: 9999

For: ORAL APPLIANCE

RESPONSE TO FINAL ACTION
UNDER 37 CFR 1.116

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Final Office Action mailed from the United States Patent and Trademark Office on October 15, 2004.

In the Final Office Action the Examiner withdrew all of the prior rejections based upon prior art, but continued to maintain a double-patenting rejection based on a judicially created doctrine grounded on public policy.

In applicant's previous Amendment, a Terminal Disclaimer was filed to overcome the double-patenting rejection. However, in the Final Office Action the Examiner stated that the Terminal Disclaimer did not comply with the Rules of Practice because it cannot be signed by an attorney or agent that is not of record. Apparently, Examiner Wilson was under the impression that the undersigned counsel, who also signed the Terminal Disclaimer, was not an attorney of record.

In a telephone conference with Mr. Wilson on October 28, 2004, counsel advised Mr. Wilson that a Power of Attorney was filed on August 16, 2002, appointing the practitioners at Customer No. 03000. Mr. Wilson reviewed his file and confirmed that the Power of Attorney